

JAMES FIELDS, JR., )  
)  
Plaintiff, )  
)  
-vs- ) Case No. CIV-15-0668-F  
)  
OKLAHOMA COUNTY PUBLIC )  
DEFENDERS OFFICE, et al., )  
)  
Defendants. )

Plaintiff, a prisoner who appears *pro se* and whose pleadings are liberally construed, initiated a complaint under 42 U.S.C. § 1983.

The Report advised plaintiff of the right to file an objection to the Report with the clerk of this court by December 21, 2015. The Report further advised that failure to make timely objection to the Report waives plaintiff's right to appellate review of the recommended ruling.


Plaintiff sought an extension of time within which to file any objection to the Report, asking for an extension of forty-five to sixty days because the Oklahoma Department of Corrections had thrown away his original paperwork, and asking for

a copy of the Report. Doc. no. 26. The requested extension was granted on January 5, 2016. Doc. no. 28. In that order, the court advised plaintiff that any objection to the Report was due sixty days from the date of that order, and reminded plaintiff that failure to file a timely objection waives appellate review of the recommended ruling. The court directed the court clerk to send plaintiff another copy of the Report at no charge.

Based on that extension, any objection to the Report was due by March 7, 2016. Plaintiff, however, has not filed an objection or response to the Report, and plaintiff has not sought any further extension of time within which to file any objection or response.

After review of the issues covered in the Report, with no objection having been filed, and having concluded that no further analysis is necessary, the Second Supplemental Report and Recommendation of Magistrate Judge Purcell is **ACCEPTED, ADOPTED** and **AFFIRMED** in its entirety, and this action is **DISMISSED** without prejudice under 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B) for failure to state a claim upon which relief may be granted. As recommended in the Report, this dismissal counts as one “prior occasion” or “strike” pursuant to 28 U.S.C. § 1915(g).

Dated this 22<sup>nd</sup> day of March, 2016.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE